

**Notice of Decision on Avery Gravel Mine
and 30-Day Appeal Period**

The U. S. Department of the Interior, Bureau of Land Management (BLM), Wenatchee Field Office, and the Bureau of Indian Affairs (BIA) Yakama Agency Office jointly issued a Finding of No Significant Impact (FONSI) on May 9, 2001, concluding that the proposed action in Environmental Assessment #OR134-01-EA-02 is not considered a major Federal action and therefore does not require an environmental impact statement (EIS). The proposed action is Pacific Northwest Aggregate's proposal to continue mining, expand operations, and reclaim a sand and gravel operation on Vancouver Indian Allotment V-179 and V-179A. The legal description of the proposed gravel pit is T. 2 N., R 14 E., W.M., Section 14, lot 15 (36.9 acres) and that portion of the NE¹/₄NE¹/₄ that lies south of a BLM Cadastral Survey boundary line established as the northern boundary of V-179A (17.66 acres). A Decision Record describing specific features of the decision and conditions of approval authorizing the mining operation was issued by BLM on May 9, 2001. The appeal period will run for 30 days from the date of publication of this decision notice (May 11, 2001).

Any party to the case who is adversely affected by the decision of BLM may appeal directly to the Interior Board of Land Appeals, Office of the Secretary, in accordance with regulations in 43 CFR Part 4. Anyone appealing either or both decisions must file a notice of appeal at the following addresses within 30 days of publication of this legal notice:

District Manager
Spokane District Office
Bureau of Land Management
1103 N. Fancher
Spokane, WA 99212

Interior Board of Land Appeals
Office of Hearings and Appeals
4015 Wilson Blvd.
Arlington, VA, 22203

Office of the Regional Solicitor
Department of Interior
500 N.E. Multnomah Street, Ste# 607
Portland, Oregon 97232

Anyone wishing to suspend the effectiveness of the decision during the time the appeal is reviewed must petition for such a stay at the time the appeal is filed and must include that petition with the filings with the Bureau of Land Management District Office, the Interior Board of Land Appeals and the Office of the Regional Solicitor of the Department of Interior.

If a stay is requested, the proponent of the stay has the burden of showing that the decision appealed is in error and that the stay should be granted. Except as otherwise provided by law or

other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- Relative harm to the parties if the stay is granted or denied;
- Likelihood of the appellant's success on the merits;
- Likelihood of immediate and irreparable harm if the stay is not granted; and,
- Whether the public interest favors granting a stay.

Copies of the EA and FONSI/Decision Record are available from the BLM, Wenatchee Field Office, 915 N. Walla Walla Avenue, Wenatchee, Washington, 98801-1521, (509) 665-2100 (Contact: Brent Cunderla), or from the BIA, Yakama Agency Office, P.O. Box 632, Toppenish, Washington, 98948, (509) 865-2255, ext. 4195 (Contact: John Evans). These documents are also posted on the BLM's Spokane District website at www.or.blm.gov/Spokane.

/s/ Kevin Devitt

Kevin Devitt, acting District Manager
Spokane BLM District

5/9/01

Date

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